

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 198  
HOUSE BILL 769

AN ACT ENABLING THE CITY OF ELIZABETH CITY AND THE COUNTY OF PASQUOTANK TO ESTABLISH AN AIRPORT AUTHORITY FOR THE CONSTRUCTION, OPERATION, USE AND MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF PASQUOTANK.

The General Assembly of North Carolina enacts:

**Section 1.** There is hereby created the Elizabeth City-Pasquotank County Airport Authority (for convenience hereinafter referred to as the "Airport Authority"), which shall be a body corporate and politic, having the powers and jurisdiction and charged with the duties hereinafter enumerated and such other and additional powers and duties as shall be conferred upon it by Chapter 63 of the General Statutes and future acts of the General Assembly.

**Sec. 2.** (a) The Airport Authority shall consist of a Chairperson and four members, all of whom shall be resident voters of the County of Pasquotank.

(b) Two members shall be appointed by the City Council of Elizabeth City and two members shall be appointed by the Board of Commissioners of Pasquotank County. Same shall be appointed in June of each year. At the first such election by the City Council and the County of Pasquotank in 1987, one of the two members so appointed by each governing body shall be chosen for a term of one year and the other member for a term of two years. Thereafter each governing body shall appoint one member in June of each year to serve for a term of two years. Vacancies among the appointed members of the Airport Authority shall be filled by the governing body who so appointed the prior person to the office then vacant and said appointee to the vacant seat shall serve the unexpired term.

(c) The Chairperson of the Airport Authority shall be appointed on a rotating basis by the City Council of Elizabeth City and the County of Pasquotank to serve a two-year term. In June of 1987 and in June every four years thereafter, the City Council of Elizabeth City shall select and appoint the Chairperson and in June of 1989, and in June every four years thereafter, the Board of Commissioners shall select and appoint the Chairperson. A vacancy in the Chairperson's seat shall be filled by the governing body who so appointed the prior Chairperson and said appointee to the vacant Chairperson's seat shall serve the unexpired term. The Chairperson shall be a nonvoting member of the Airport Authority except in the case of a tie vote in which case the Chairperson may vote and break the tie.

(d) The Chairperson and each of the members of the Airport Authority and their successors shall take and subscribe before the Clerk of the Superior Court of

Pasquotank County an oath of office and file the same with the City Council of Elizabeth City and County Commissioners of Pasquotank County. The Chairperson and members of the Airport Authority shall serve without compensation as such, but shall be compensated for expenses actually incurred in connection with the performance of their duties.

**Sec. 3.** The Captain of the U. S. Coast Guard Support Center located at the U. S. Coast Guard Base in Pasquotank County, the City Manager of Elizabeth City and the County Manager of Pasquotank County shall be ex officio, nonvoting members of the Airport Authority.

**Sec. 4.** The Airport Authority shall have the following powers and authority and is charged with the following duties:

(1) It shall have exclusive jurisdiction, control, supervision and management over airports owned by the City of Elizabeth City and Pasquotank County. It shall have the power to let or lease any airport under its control or any portion of the same, including buildings and hangars thereon and to grant concessions in connection with the operation of the airport upon such terms and conditions as it shall deem proper. It shall have authority to charge and collect fees and rents for use of property or services furnished. It shall have the power to employ necessary personnel, including a director or manager and to fix the salaries and prescribe the duties thereof.

(2) It may acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within Pasquotank County and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by Elizabeth City or Pasquotank County.

(3) It shall make plans and projections with respect to acquisition, construction, operation, regulation, improving or maintaining airports of the Authority and their related facilities and in that connection secure necessary technical assistance and engineering.

(4) It shall be entitled to sue or be sued in its name as to matters to which it has authority and power as stated herein.

(5) It shall have authority to deal with the Federal Aviation Agency and any other federal or State agency respecting the airports, their facilities, operation and maintenance.

(6) It shall organize, and adopt and from time to time amend rules of operation and procedure.

**Sec. 5.** The Airport Authority, in connection with the operation of an airport or airports, shall prepare an annual budget including all costs and expenditures for operations for a fiscal year beginning on the first day of July and showing all anticipated revenues to be derived from the operation of the airport or airports during such fiscal year, and submit the same to the City Council of Elizabeth City and the Board of Commissioners of Pasquotank County at the time and in the form directed by said governing bodies. Said budget shall be approved by each governing body. The cost of the operation and maintenance of any airport under the jurisdiction of the Airport Authority shall be defrayed from the revenues derived from the operation thereof,

except to the extent that the City Council of the City of Elizabeth City and the Board of County Commissioners of Pasquotank County may equally appropriate available revenues of the City and County for that purpose. The Airport Authority shall have no authority to incur any deficit without prior express approval of the City Council of Elizabeth City and the Board of County Commissioners of Pasquotank County. Any authorized deficit in the cost of operating the Airport Authority and the facilities over which it has charge shall be paid equally by the City of Elizabeth City and the County of Pasquotank and any profit therefrom shall be paid equally to the City of Elizabeth City and County of Pasquotank. The affairs of the Authority shall be audited each year and the Airport Authority shall report annually to the City Council of Elizabeth City and the County of Pasquotank County on its activities, revenues and expenditures of the past year. The Airport Authority and its members shall have no authority to pledge the credit of the City of Elizabeth City or Pasquotank County.

**Sec. 6.** All rights and powers given to the counties or municipalities by the statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulations of aircraft, are hereby vested in the said Airport Authority.

**Sec. 7.** If any section, subsection, paragraph or clause herein contained is for any reason held unconstitutional, invalid, or inoperative, the same in no manner shall affect the remaining provisions hereof and it is hereby declared to be the intent of the General Assembly to enact the remaining provisions hereof.

**Sec. 8.** All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

**Sec. 9.** This act is effective upon ratification.

In the General Assembly read three times and ratified this the 15th day of May, 1987.